

Application No: 20/3833M

Location: WOODEND NURSERY, STOCKS LANE, OVER PEOVER

Proposal: Erection of glasshouse with associated lagoon, water tank and hard standing (Phase 2)

Applicant: Mr C Rudd, F Rudd And Sons Nursery

Expiry Date: 11-Dec-2020

## **SUMMARY**

The principle of the development to erect a commercial horticultural glasshouse in the Green Belt is deemed acceptable. Furthermore, the development would assist in supporting the rural economy. However, the associated infrastructure including the lagoon, heat tank and hard standing would not. They would represent inappropriate development in the Green Belt. Additional Green Belt harm would also be created with regards to openness and encroachment.

However, as this additional development is specifically required in association with the horticultural business to operate efficiently and sustainably, and because the impact of these additional structures upon openness and encroachment would not be significant in the context of the development proposed, it is deemed that the harm created would be clearly outweighed by the benefits and Very Special Circumstances therefore apply which mean that the development is deemed acceptable in principle.

The design of the development is appropriate to the purpose it would serve and would be similar to the existing development on-site already.

Although the development would result in the loss of hedgerow and would involve some earthworks, it is deemed that through a combination of conditions and mitigation, this impact is deemed acceptable.

No concerns are noted with regards to amenity, highway safety, trees, flood risk or drainage, Manchester Airport or Public Rights of Way, subject to conditions where appropriate. Although no ecology concerns are noted subject to conditions either, this is subject to the receipt of a countersigned Impact Assessment and Conservation Payment Certificate (IACPC), prior to the determination of the application as evidence that the development has been accepted onto the licencing scheme with regards to Great Crested Newts.

As such, it is recommended that the application be delegated back to the back to the Acting Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning

Board to APPROVE the development, subject to conditions, and the receipt of the outstanding IACPC.

## **RECOMMENDATION**

**Delegate back to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board to APPROVE the development, subject to conditions below and the receipt of the outstanding IACPC**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a parcel of land to the rear of, and associated with, a commercial glasshouse located along Stocks Lane, Over Peover.

The land at present comprises of part hardstanding, part ploughed field. A large adjacent glasshouse is used for the growing of tomatoes, which is part of the wider 'F Rudd and Sons Nursery'.

## **PROPOSAL**

Full planning permission is sought for the erection of;

- A new glasshouse, measuring 145 metres in width, 192 metres in length and 8.01 metres in height, with associated service yard to north for delivery's and parking. The glasshouse would be used for the growing of tomatoes
- A new heat storage tank (next to existing tanks on eastern side of site). Tank would measure; 12.73 metres in diameter and would be 11.4 metres tall
- A new lagoon, measuring 24 metres in width, 100 metres in length and 5 metres deep with a 1.5 metre-tall earth bund in the north-east corner. This would hold 13,000m<sup>3</sup> of water

## **RELEVANT HISTORY:**

**17/5461M** - Retrospective application for surface car parking for up to 300 cars within existing yard area and on extended hard standing 60m x 80m and 3 light columns for temporary period only – Refused 28<sup>th</sup> February 2019 – **Currently under appeal**

**16/1297M** - Sub Station Utilities Cabinet – Approved 10<sup>th</sup> May 2016

**14/4037D** - Discharge of conditions 7, 10 & 13 of 13/3314M - Glasshouse for tomato production with associated hard standing, freshwater tank, heat storage tank, package treatment plant and landscaping Resubmission of 12/3873M – Approved 12<sup>th</sup> September 2014

**14/3768D** - Discharge of condition 4 relating to 13/3314M - Glasshouse for tomato production with associated hard standing, freshwater tank, heat storage tank, package treatment plant and landscaping Resubmission of 13/3314M – Approved 1<sup>st</sup> October 2014

**13/3314M** - Glasshouse for tomato production with associated hard standing, fresh water tank, heat storage tank, package treatment plant and landscaping Resubmission of 12/3873M – Approved 16<sup>th</sup> October 2013

**12/3873M** - Erection of Glasshouse For Tomato Production With Associated Hard Standing, Fresh Water Tank, Heat Storage Tank, Package Treatment Plant And Landscaping – Refused 5<sup>th</sup> April 2013

### **ADOPTED PLANNING POLICY:**

The Cheshire East Development Plan policies relevant to this application, currently comprises of; the Cheshire East Local Plan Strategy (CELPS) and the Macclesfield Borough Local Plan. More specifically;

#### Cheshire East Local Plan Strategy 2017 (CELPS)

MP1 - Presumption in Favour of Sustainable Development, PG1 – Overall Development Strategy, PG2 – Settlement Hierarchy, PG3 - Green Belt, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, EG1 – Economic Prosperity, EG2 – Rural Economy, SE1 – Design, SE2 - Efficient use of land, SE3 – Biodiversity and Geodiversity, SE4 – The Landscape, SE5 - Trees, Hedgerows and Woodland, SE12 – Pollution, Land Contamination and Land instability, SE13 – Flood Risk and Water Management, CO1 Sustainable Travel and Transport and CO4 Travel Plans and Transport Assessments

#### Saved policies of the Macclesfield Borough Local Plan (MBLP)

GC1 – Green Belt (New Buildings), RT8 – Access to the Countryside, DC3 – Amenity, DC6 - Circulation and Access, DC8 – Landscaping, DC9 - Tree Protection, DC10 – Landscaping and Tree Protection, DC13 & DC14 – Noise, DC15 & DC16 – Provision of facilities, DC17, DC19 & DC20 – Water resources and NE11 – Nature Conservation

### **Other Material Considerations**

#### Draft Over Peover Neighbourhood Plan (Regulation 19 stage)\*

LCD1 – Local Character and Design, LCD2 – New development, ENV1 – Biodiversity, ENV2 – Trees, Hedgerows and Watercourses, ENV3 – Access to the countryside, INF1 – Infrastructure, INF3 – Surface Water Management, INF4 – Traffic Improvements, INF5 – Sustainable Transport and ECON1 – Rural Economy

*\*Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.*

*Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.*

## National Planning Policy Framework (2019 update) (NPPF)

The relevant chapters of the NPPF to the application proposals include;

Achieving sustainable development (pages 5-8), Decision making (pages 13-14), Building a strong, competitive economy (pages 23-25), promoting sustainable transport (pages 30-33), achieving well designed places (pages 38-40), protecting Green Belt land (pages 40-44) and Conserving and enhancing the natural environment (pages 49-54)

National Planning Policy Guidance

### **CONSULTATIONS (External to Planning)**

**Environment Agency** – ‘No comment’

**Local Lead Flood Risk Authority (LLFA) Officer** - No objections, subject to a condition requiring the submission/approval of a detailed drainage strategy/design, limiting surface water run-off. Informatives are also proposed.

**United Utilities** - No objections, subject to the following conditions; submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan. An informative is also recommended regarding UU assets and easements on/close to the site

**Environmental Protection** – No objections, subject to an informative with regards to contaminated land

**Head of Strategic Infrastructure (Highways)** - No objections, subject to the glasshouse being used for tomato production

**Public Rights of Way (PROW) Officer** - No objections, subject to a number of informatives with regards to the applicants/developer's obligations in relation to a PROW that passes immediately adjacent to the application site as well as advice re: construction phase

**Manchester Airport** – No objections, subject to a condition requiring the submission/approval of details of the lagoon design and a condition requiring the prior submission/approval of a landscaping plan

**Peover Superior Parish Council** – No comments received at time of report

### **OTHER REPRESENTATIONS:**

Neighbouring units were notified, a site notice was erected and the proposals were advertised in a local newspaper. At the time of consideration, no consultation responses had been received.

### **OFFICER APPRAISAL**

**Principle / Green Belt**

The site lies within the Green Belt. As such, it is subject to development plan policies PG3 (Green Belt) of the CELPS and GC1 (Green Belt – New Development) of the MBLP. The Green Belt paragraphs within the NPPF are also a material planning consideration.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications LPA's should ensure that substantial weight is given to the Green Belt. 'Very Special Circumstances' will not exit unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

An LPA should regard the construction of new building as inappropriate in the Green Belt. However, there are a number of exceptions listed in policy. Relevant to the application proposals is the exception '*buildings for agriculture*' listed within Policy PG3 of the CELPS and reflected in the NPPF.

Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' to include '*...horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly*'

The application submission seeks the erection of a large glasshouse in association with the existing 'Woodend Nursery' enterprise. The glasshouse would be constructed adjacent to (700mm away but connected with a rubber seal) an existing, large glasshouse, granted planning permission in 2013, which at the time of the Officer site visit, was full of maturing tomato plants. The applicant has since confirmed that this 700mm gap is necessary for 2 reasons; 1) the new build is slightly higher and 2) to allow for expansion and contraction of the steel framework.

The submission states that a variety of different tomato types are grown. The plants are bought at seedling stage in January and are grown, pollinated and the fruit harvested for storage and packaging. The submission details that the new glasshouse would be used for the same purpose as the existing, adjacent structure, for growing tomatoes. The size of the glasshouse is to maximise production capacity and reduce waste. A larger structure is more efficient to organise and manage the rows of vines and provides greater returns and better control over heating / air circulation / ventilation and cropping. The trend in glasshouse production is evidently for larger, higher structures to make them more efficient.

The proposed glasshouse is accepted as being required 'for agriculture' and would therefore represent appropriate development in the Green Belt.

In consideration of the other elements of the proposals, permission is also sought for a lagoon. The submission states that this lagoon is required in order to irrigate the tomatoes. It states that the growing season is from January to mid-November and the water is required throughout this period. It states that any surplus would be discharged at a controlled rate into the small water course at the northern boundary of the site. The applicant has confirmed that it is now possible to filter and reuse

roof runoff and for this reason a lagoon is proposed to store roof run off for use in the production process to reduce reliance on ground water.

It is advised within later documentation received by the Council that the proposed heat storage tank is required to store hot water produced from the CO2 production process during the day for heating the glass house at night. This is the same system required for phase 1. An additional tank is required for the Phase 2 glass house as the existing tank has insufficient capacity being designed for phase 1 only.

A small service yard area is sought at the northern end of the site. It is advised that this is for 'general maintenance of the glasshouse, deliveries/parking. The applicant was asked to expand upon this and advised it is needed;

- ..to deliver materials (hydroponic fibre and plants) to the phase 2 glasshouse principally at the start of the growing season in December/ January when the glass house is made ready for the young plants and at the end of the growing season in November when the spent plants and growing medium are removed and the glass house cleaned in readiness for next year's crop.
- It saves having to transport all this material/ equipment through the glass house itself whilst the phase 1 glass house is also being set up/ emptied and cleaned.
- The workspace has roller shutter doors next to a personnel door in the side elevations on either end to facilitate the delivery / removal of materials to vehicles.
- A similar work space was provided to the rear of the Phase 1 building.
- Parking would only be required for service vehicles.
- Some hard standing is required on the outside of the glass house for general maintenance of the glass houses. The glass has to be cleaned and debris removed from the gullies using a cherry picker and this requires vehicle access around the base of the glasshouse. Much leaf debris collects on the roof from the adjoining woodland.
- All main deliveries are taken via the main service yard at the front and it is anticipated that all parking in association with the glass houses will continue to use the front car park next to the road where the main services (i.e. boiler plant) are located.

Some crops may be delivered to the packing station on the other side of Stocks Lane via the workspace doors at the back of the phase 2 glass house. This will be on small vehicles as for phase 1

None of these associated structures and development are strictly required for the purposes of agriculture. They clearly compliment the agricultural use, but as such, can only be deemed to represent inappropriate development in the Green Belt.

### **Other Green Belt harm**

The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The NPPF advises at Paragraph 133 that their openness and their permanence are essential characteristics of Green Belts.

Openness is the absence of built form and has both a visual and spatial impact.

The lagoon's visual impact upon openness would be limited as it would be underground, although it would have a minor spatial impact. The heat storage tank would have a greater impact upon openness but given its position adjacent to an existing tank of a similar scale and because it would be neatly adjacent to the glasshouses, the level of impact is reduced. The proposed hardstanding would have both a visual and spatial impact upon openness. But the impact would be relatively minor given its scale in context to the rest of the development. All of the development would result in harm by reason of encroachment.

## **Rural Economy**

Policy EG2 of the CELPS refers to the rural economy, more specifically commercial proposals outside of Principal Towns, Key Service Centres and Local Service Centres, which the application proposals do, they fall within what is defined by PG2 of the CELPS as 'Other settlements and Rural Areas'.

Policy EG2 states that in such locations, development which; provides opportunities for local rural employment that supports the vitality of rural settlements, encourages the retention and expansion of existing businesses, encourages the creation and expansion of sustainable farming and food production businesses (amongst others), will be supported, where the development; meets sustainable development objectives of the plan, supports the rural economy and could not be reasonably be expected to located within a designated centre by reason of their products sold, would not undermine strategic employment allocations, is supported by adequate infrastructure, is consistent in scale with its location and surrounding buildings, would not harm residential amenity, is well sited and designed and does not conflict with other policies of the development plan.

It is advised within the submission that the development would result in the employment of an additional 8 employees, so would provide a benefit to the local economy in this regard. The applicant advises that specialist labour is required for the setting up of the glass house, planting of the crop, training of the vines, weekly removal of leaves, selective removal of trusses, constant adjustment of the trained vines, picking the crop, removing spent plants and deep cleaning of the glass house in preparation for the next year's crop. There is also constant maintenance of pipework/ hoses etc and repairs to broken glass, Specialist staffs are required to monitor conditions (CO<sub>2</sub>, water, nutrients, temperature) and check for disease.

The proposals would not be expected to be provided in an urban centre by reason of the products sold, it would not undermine strategic employment allocations, is supported by existing infrastructure and matters of design and amenity are deemed acceptable as expanded upon below.

As such, the application proposals are deemed to adhere with Policy EG2 of the CELPS.

Draft Policy ECON1 of the Over Peover Neighbourhood Plan also supports the expansion of existing businesses and the rural economy and agriculture where they positively contribute to the environment and do not cause unacceptable visual or landscape harm. These matters are also expanded upon below.

## **Landscape**

Policy SD2 of the CELPS states that development will be expected to respect and, where possible, enhance the landscape character of the area. Policy SE4 of the CELPS specifically relates to

landscape considerations. It states that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness.

The application site is not subject to any landscape designation but does fall within the Green Belt.

The site has already been levelled in preparation for erection of the proposed glasshouse. The application also includes excavation to create a lagoon 100m long x 24m wide x 5m deep, the erection of a tank, and the laying of a small area of hardstanding to the northern end of the glasshouse.

As part of the works, approximately 140m of hedgerow will be removed to facilitate the proposed development. To compensate for this loss, the applicant advises that approximately 200m of hedgerow will be planted along Red Brook at the northern site boundary, a gain of approximately 60m of hedgerow on site.

Approximately 2500 tonnes of soil is currently stored in two stockpiles on the land and further excavation will be required to construct the lagoon. The applicant has advised that surplus topsoil will be re-used on adjoining fields to infill hollows and to level and infill ground around the glass houses on the other side of the road. The applicant further advises that arrangements have been made for the sub-soil scrapped off the site to be taken off-site.

In its wider context, it is not considered that these developments would create notable landscape harm, subject to a condition requiring the submission/approval of a detailed landscape scheme that would include; details of existing and proposed site-levels, including details of proposed waterbodies; details of reservation and re-use of site soils; details of hard-landscaping, including permeable vehicular and pedestrian hard-surfacing which incorporates re-used materials and planting plans with written specifications (including both retained and proposed plants, cultivation and other operations associated with tree, shrub, hedge or grass establishment) and schedules of plants (noting species, plant sizes, the proposed numbers and densities). This should be supported by a condition to ensure its implementation.

Subject to these conditions, it is considered that the proposal would adhere with policies SD2 and SE4 of the CELPS.

### Trees

Policy SE5 of the CELPS states that development which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted.

The application site or land immediately adjacent includes any trees subject to a Tree Preservation Order (TPO).

The Council's Tree Officer has advised that the application does not present any significant arboricultural impacts but will require the removal an existing hedgerow which crosses the site. The hedge has been surveyed by ecological consultants and considered in the Preliminary Ecology Appraisal and found to be species poor. The Design and Access Statement states that the hedge is



not included on local tithe maps dating back to 1841, so does not qualify for historical reasons under the Hedgerow Regulations 1997.

The proposal suggests that the intention is that the hedgerow of 140 metres identified for removal will be replaced and set back to the southern edge of the brook on the northern edge of the field (development boundary). Details of this will be sought by condition in the event of approval.

## **Ecology**

Policy SE3 of the CELPS states that developments that are likely to have a significant adverse impact on a site with legally protected species or priority habitats (to name a few), will not be permitted except where the reason for or benefits of the proposed development outweigh the impact of the development. Saved Policy NE11 of the MBLP is consistent in so far as it states that development which would not adversely affect nature conservation interests will not normally be permitted. Draft Policy ENV1 of the draft Over Peover Neighbourhood Plan (OVNP) is broadly similar.

The application is supported by an ecological appraisal. The acceptability of the various elements of the development in ecology terms is considered below;

### Great Crested Newts

This protected species is known to breed at a number of ponds within 250m of the proposed development. The Council's Nature Conservation Officer advises that the proposed development is likely to have a Medium magnitude adverse impact upon this species as a result of the loss of terrestrial habitat and the risk of animals being killed during the construction phase.

*EC Habitats Directive  
Conservation of Habitats and Species Regulations 2010  
ODPM Circular 06/2005*

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.
- The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:
- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no

conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

### *Overriding Public Interest*

The provision of mitigation would assist with the continued presence of Great Crested Newts.

### *Alternatives*

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species.

In order to address the impacts of the proposed development and maintain the favourable conservation status of Great Crested Newts the applicant has indicated an intention to enter the proposed development into Natural England’s District Licencing Scheme.

The Council’s Nature Conservation Officer advises that this approach is acceptable to maintain the favourable conservation status of Great Crested Newts. However, the Council’s Nature Conservation Officer advises that a countersigned *Impact Assessment and Conservation Payment Certificate* (IACPC) from Natural England must be submitted prior to the determination of the application as evidence that the development has been accepted onto the licencing scheme. At the time of the drafting of this report, this certificate had not been received. A further update will be provided to committee on this matter should it be received between now and the committee itself.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a length of hedgerow with a corresponding loss of biodiversity. The Council’s Nature Conservation Officer has advised that if the loss of this hedgerow is considered to be unavoidable, then acceptable proposals for the planting of a length of compensatory hedgerow have been submitted. As previously advised, this matter may be dealt with by means of a condition in the event planning permission is granted.

### Stream and ditch

A stream is present on the sites northern boundary. To avoid any impacts on the stream the submitted ecological assessment recommends that a 10 metre undeveloped buffer is provided between the green house and stream.

The applicant has advised that the required buffer can be delivered apart from one section where hardstanding is proposed within 7m of the watercourse. The Council’s Nature Conservation Officer

has advised that this matter may be dealt with by means of a condition in the event that planning consent is granted.

A ditch is also present on site which has some nature conservation value due to the presence of a number of plant species. This ditch would be lost as a result of the proposed development. The Council's Nature Conservation Officer notes that a water storage lagoon is proposed. A specification has been submitted for the design of the lagoon to maximise its ecological value. The applicant has also proposed the restoration of an offsite pond in their ownership.

The Council's Nature Conservation Officer advises that the level of compensation proposed is sufficient to compensate for the loss of the ditch.

### Lighting

Whilst the application site offers limited opportunities for roosting bats, the Council's Nature Conservation Officer advises that bats are likely to commute and forage around the site to some extent particularly along the stream corridor. To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Nature Conservation Officer recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

### Nesting Birds

If planning consent is granted, a condition to protect nesting birds is proposed.

### Other Protected Species

No evidence of other protected species were recorded during the submitted surveys. The ecological assessment does not advise that other protected species are present in the broader locality. As the status of other protected species on site can change in a short timescale, the Council's Nature Conservation Officer recommends that a condition be attached in the event that planning consent requiring the submission of an updated survey in the event that the works have not commenced by the 22<sup>nd</sup> July 2021.

Subject to the above-mentioned suggested conditions, the application proposals are deemed to adhere with the requirements of Policy SE3 of the CELPS, Policy NE11 of the MBLP and draft policy ENV1 of the draft OPNP.

## **Design**

Policy SE1 (Design) of the CELPS advises that proposals should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS states that development should contribute positively to an area's character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene. These policies are supplemented by the Cheshire East Design Guide SPD.

The proposed glasshouse would measure 145 metres in width, 192 metres in length and 8.01 metres in height. It would be positioned 700mm from the rear of the existing glasshouse and would

have same width as it but be 44 metres longer than the existing structure. The existing glasshouse is 7.05 metres in height, so the new glasshouse would be 0.96 metres taller. It is advised in the submission that this additional height is as a result of 'advances in glasshouse construction'. It would be of glass and steel construction.

Although taller than the existing structure, the difference is not significant. The design of the development is considered to be appropriate for the purpose it would serve as would the lagoon and heat tank.

The lagoon will be like a large pond and will have excavated material to form the edges. It will be lined as a pond. It has been advised that it is not known at this stage whether it will be covered or not as this will depend on algae growth. But if it were to be covered this would be with matting floating on the surface similar to an outdoor swimming pool. Otherwise it will appear as an area of open water surrounding by an earth bank which is to be sown with wildflowers / natural grasses. In the event of approval and in the event that a cover is required, the detail of this could be secured by condition.

The heat storage tank will be constructed from the same materials used in Phase 1. Light grey insulated steel with a box profile.

The proposals are therefore deemed acceptable in consideration of the design policies of the development plan.

## **Amenity**

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations); loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The closest neighbouring dwellings to the application proposals would be over 150 metres away and as such, no concerns are raised in relation to; privacy, light or an overbearing impact. The Council's Environmental Protection Team have also confirmed that no environmental amenity concerns are noted, subject to a contaminated land informative.

The proposal would therefore adhere with the amenity policies of the development plan.

## **Highways**

The crux of Saved Policy DC6 of the MBLP is that development should provide safe and convenient access provision for vehicles, pedestrians, special needs groups, and service/emergency vehicles and to provide safe and convenient facilities for the servicing of businesses.

The site has an existing access from Stocks Lane and this would be used to as access this proposal. The Council's Highways Officer has advised that as long as the glasshouse is used for tomato production, which the applicant has subsequently confirmed, there are no highway objections raised to the application.

As such, the proposal is deemed to adhere with Policy DC6 of the MBLP.

### **Flood Risk and Drainage**

Policy SE13 of the CELPS relates to flood risk and water management. It states that all development must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation in line with national guidance.

According to the Environment Agency flood risk maps, the whole of the application site falls within a Flood Zone 1 (FZ1). FZ1 is the lowest of the flood risk categories and means that the land has less than a 1 in 1,000 annual probability of river flooding. It relates to all areas outside of Flood Zones 2 and 3, Flood Zones of a higher probability of flooding.

The Environment Agency have reviewed the proposals and advised they have no comments to make as the development falls outside the scope of their remit.

The Council's Lead Local Flood Authority (LLFA) Officer has reviewed the proposals and advised that they have no objections, subject to a condition requiring the submission/approval of a detailed drainage strategy/design, limiting surface water run-off. Informatives are also proposed.

In consideration of drainage, United Utilities have advised that they have no objections, subject to the following conditions; submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan. An informative is also recommended regarding UU assets and easements on/close to the site.

### **Public Rights of Way (PROW)**

The application proposals would lie adjacent to public footpath No.27 Peover Superior. The proposed development has been reviewed by the Council's Public Rights of Way Officer who advises that the scheme is unlikely to impact the PROW. However, in the event of approval, informatives are proposed firstly to remind the developer/applicant of their responsibilities and secondly, to advise that if, during the construction period of the development the PROW would be impacted with additional traffic or any activity that will potentially endanger the public; the applicant must apply for a temporary closure order for the period of disruption and provide an alternative route. The applicant should give at least 6 weeks notice of any request for a temporary closure.

### **Manchester Airport**

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

They have concluded that they have no objections subject to a condition requiring the submission/approval of details of the lagoon design and a condition requiring the prior submission/approval of a landscaping plan. The reasons for the proposed conditions are flight safety. More specifically to avoid birdstrike risk for aircraft using Manchester Airport.

### **Very Special Circumstances**

Paragraph 143 of the NPPF states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

Although the glasshouse is deemed to represent appropriate development in the Green Belt, the associated infrastructure proposed, notably; the lagoon, heat tank and hardstanding would be inappropriate. Additional harm would also be created with regards to openness and encroachment.

As this additional development is specifically required in association with the horticultural business to operate efficiently and sustainably, and because the impact of these additional structures upon openness and encroachment would not be significant in the context of the development proposed, it is deemed that the harm created would be clearly outweighed by the benefits.

As such, it is deemed that Very Special Circumstances apply in this instance.

## **CONCLUSIONS**

The principle of the development to erect a commercial horticultural glasshouse in the Green Belt is deemed acceptable. Furthermore, the development would assist in supporting the rural economy. However, the associated infrastructure including the lagoon, heat tank and hard standing would not. They would represent inappropriate development in the Green Belt. Additional Green Belt harm would also be created with regards to openness and encroachment.

However, as this additional development is specifically required in association with the horticultural business to operate efficiently and sustainably, and because the impact of these additional structures upon openness and encroachment would not be significant in the context of the development proposed, it is deemed that the harm created would be clearly outweighed by the benefits and Very Special Circumstances therefore apply which mean that the development is deemed acceptable in principle.

The design of the development is appropriate to the purpose it would serve and would be similar to the existing development on-site already.

Although the development would result in the loss of hedgerow and would involve some earthworks, it is deemed that through a combination of conditions and mitigation, this impact is deemed acceptable.

No concerns are noted with regards to amenity, highway safety, trees, flood risk or drainage, Manchester Airport or Public Rights of Way, subject to conditions where appropriate. Although no ecology concerns are noted subject to conditions either, this is subject to the receipt of a countersigned Impact Assessment and Conservation Payment Certificate (IACPC), prior to the determination of the application as evidence that the development has been accepted onto the licencing scheme with regards to Great Crested Newts.

As such, it is recommended that the application be delegated back to the back to the Acting Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board to APPROVE the development, subject to conditions, and the receipt of the outstanding IACPC.

## **RECOMMENDATIONS**

**Delegate back to the Acting Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board to APPROVE the development, subject to conditions below and the receipt of the outstanding Impact Assessment and Conservation Payment Certificate (IACPC)**

### **Conditions;**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Submission/approval of a detailed landscape scheme (to include; levels details, soil management details, hard surfacing details, planting and replacement hedgerow planting details)**
- 5. Landscape – Implementation**
- 6. Submission/approval of proposals for the safeguarding of an undeveloped buffer adjacent to the northern water course during the construction process**
- 7. Implementation of pond enhancements in accordance with Ecology Statement from UES dated Nov 15 2020**
- 8. Submission/approval of lagoon design detail to include specifications detailed within Ecology Statement from UES dated Nov 15 2020 (including details of any possible cover)**
- 9. Submission/approval of external lighting scheme**
- 10. Nesting birds**
- 11. Submission/approval of ‘other protected species’ survey**
- 12. Submission/approval of a detailed drainage strategy/design, limiting surface water run-off**
- 13. Foul and surface water should be drained on separate systems**
- 14. Submission/approval of a sustainable drainage management and maintenance plan**

*In order to give proper effect to the Strategic Planning Board’s intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.*

